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12 *Attorneys for Defendants:*
13 *Henri Wetselaar, M.D. and David A. Litwin*

14 UNITED STATES DISTRICT COURT

15 DISTRICT OF NEVADA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 vs.

19 HENRI WETSELAAR, M.D.,
20 DAVID A. LITWIN, and
21 JASON C. SMITH, R.PH.,

22 Defendants.

CASE NO. 2:11-CR-00347-KJD-CWH

STIPULATION AND ORDER TO
EXTEND THE TIME FOR FILING OF
REPLIES BY DEFENDANTS TO
GOVERNMENTS' OPPOSITIONS TO
DEFENDANTS' PRETRIAL MOTIONS

23 IT IS HEREBY STIPULATED AND AGREED by and between Daniel G. Bogden,
24 United States Attorney, and Crane M. Pomerantz and Cristina Silva, Assistant United States
25 Attorneys for the District of Nevada; and Jeffrey B. Setness, Esq., and Kathleen Bliss, Esq., of the
26 law firm of Lewis Brisbois Bisgaard & Smith LLP, attorneys for Defendants Henri Wetselaar, M.
27 D., and David A. Litwin that the current deadline of April 26, 2013 for filing of Replies by
28 Defendants to the Government's Oppositions (Docket Nos. 83 and 84), be extended to May 10,
2013.

1 The following information is provided in support of this extension of time to file Replies:

2 1. On February 21, 2013, the Parties filed a Stipulation For Extension of Time
3 to File Pretrial Motions (Third Request) in which the parties agreed that Pretrial Motions
4 would be filed by March 27, 2013; Responses to Pretrial Motions would be filed by April
5 19, 2013; and Replies to all Responses would be filed by April 26, 2013. (Docket No. 50.)

6 2. On February 21, 2013, the Court granted this Stipulation and ordered that
7 Pretrial Motions would be filed by March 27, 2013; Responses to Pretrial Motions would
8 be filed by April 19, 2013; and Replies to all Responses would be filed by April 26, 2013.
9 (Docket No. 51.)

10 3. On March 27, 2013, Defendants filed Motions to Suppress / Return Seized
11 Property (Docket No. 65) and Motion for Discovery (Docket No. 66).

12 4. On April 19, 2013, the Government filed its Response to the Motion to
13 Suppress / Return Seized Property (Docket No. 84) and its Response to Motion for
14 Discovery (Docket No. 83).

15 5. Meanwhile, on March 27, 2013, the Government filed a Motion for Rule
16 44(c) Hearing / Motion for Disqualification regarding counsels' representation of
17 defendants. (Docket No. 63) and on April 10, 2013 Defendants filed their Response
18 (Docket No. 76).

19 6. On April 17, 2013, this Court conducted a hearing on the conflict issue and
20 appointed "conflict counsel" to represent and advise defendants concerning their
21 Constitutional Rights. On that same date, the Court ordered a hearing on April 29, 2013,
22 to review the matter with conflict counsel and determine whether a conflict, if one exists,
23 can be waived such that counsel can continue representation of defendants.
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1 As set forth above, the conflict issues raised by the Government have yet to be resolved.
2 In light of the foregoing, the Parties submit that the Reply filing deadline should be extended to
3 May 10, 2013.

4 The Parties further submit that a brief continuance during these pending issues has no
5 effect on the Speedy Trial Rights of Defendants under 18 U.S.C. 3161(h)(1)(D), in that the period
6 of delay shall be excluded in computing the time within the trial herein must commence.

7 DATED this 24th day of April, 2013.

8
9 /s/ Cristina Silva
10 CRISTINA SILVA, ESQ.
Assistant United States Attorney

11 /s/ Jeffrey B. Setness
JEFFREY B. SETNESS, ESQ.
12 Attorney for Henri Wetselaar, M.D.
and David A. Litwin

/s/ Kathleen Bliss
KATHLEEN BLISS, ESQ.
Attorney for Henri Wetselaar, M.D.
and David A. Litwin

13
14 ORDER

15 Based upon the Stipulation of the Parties and good cause appearing,
16 IT IS HEREBY ORDERED that the current deadline of April 26, 2013 for filing of Replies by
17 Defendants to the Government's Oppositions (Docket Nos. 83 and 84), be extended to May 10,
18 2013.

19 April 25, 2013

20 DATED


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28 CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE